

THURSDAY, February 5, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, to wit :

A bill to pay E. W. Moore certain second class claims therein named ;

A bill to provide for the payment of that part of the public debt held by citizens of Texas ;

A joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States to use their exertions to obtain indemnity from the government of Mexico, for spoiliations committed upon the property of Samuel A. Belden ;

A bill concerning slander ;

A bill to prohibit the depositing cotton seed outside of enclosures ;

A bill to prescribe the manner in which the Governor shall issue his proclamations ; and

A bill to amend the 34th and 64th sections of an act to organize justices courts, and to define the powers and jurisdiction of the same, approved March 20th, 1848.

Mr. Bigelow made the following report :

CITY OF AUSTIN, February 4, 1852.

To the Hon. J. W. HENDERSON,

*President of the Senate :*

The committee on Public Lands have considered a bill granting one league of land to Francis M. Dimond, formerly American Consul at the city and Port of Vera Cruz, in the Republic of Mexico, and find that Mr. Dimond was Consul at Vera Cruz at the period of the imprisonment of a portion of our citizens, known as the San Antonio and Mier prisoners. That when those prisoners were released and sent to Vera Cruz, a portion of them were almost naked, and in other respects, very destitute of the necessary comforts of life. Mr. Dimond, without hope of reward, furnished them with clothing and other comforts to the amount of upwards of one thousand dollars, besides visiting and comforting those other portions of the prisoners who had been supplied with funds from other sources.

It also appears to your committee, that in consequence of the breaking out of the Mexican war, and a change of the administration of the General Government, Mr. Dimond's commercial

business was broken up and his office taken from him, and at this time he finds himself comparatively destitute.

Your committee are of the opinion that the value of a certificate for one league of land is less than the amount of money actually advanced by Mr. Dimond to our unfortunate citizens; and as it has ever been the policy of the State to remember those who stood by her citizens in their adversity, your committee have thought proper to report back a substitute for the original bill, and recommend its passage. Which is submitted.

ISRAEL B. BIGELOW, Chairman.

Mr. Gray made the following report :

The committee on the Judiciary have considered the memorial of sundry citizens of Brownsville, asking that a term of the Supreme Court may be held at that place. The subject of changing the locations at which terms of that court shall be held having been acted upon by the Senate already, the committee ask to be discharged from its further consideration.

Mr. Gray, chairman of the committee on the Judiciary, reported back to the Senate a bill to give certain civil and criminal jurisdiction to the mayor of the city of Marshall, in Harrison county, and recommended its passage.

Mr. Gray, from the same committee, reported back to the Senate a bill supplementary to an act to regulate proceedings in the county courts, relating to guardians and wards, approved March 20, 1848, and recommended its passage.

Mr. Gray also made the following report :

The committee on the Judiciary have considered the petition of citizens of Bexar, asking a change of the gaming laws, and report that the subject has been attended to as far as it was deemed expedient, by incorporating the desired changes in a bill, reported some days since, concerning crimes and punishments. They ask to be discharged from its further consideration.

Mr. Gray, chairman of the committee on the Judiciary, to which was referred the petition of citizens of Comal county, reported the following for the consideration of the Senate :

A bill to authorize the county court of Comal county to levy and collect a special tax for county purposes; read first time.

Mr. Gray, from the same committee, reported back to the Senate the petition of citizens of Henderson county, in relation to the citizenship of William W. Stirman, and recommended that it be referred to the committee on Counties and County Boundaries.

Mr. Gray also made the following report :

February 4, 1852.

The committee on the Judiciary have considered the petition

of James Irwin, of Shelby county, praying that his ward, Thomas A. K. Duncan, a minor of about eighteen years of age, may be absolved from the disabilities of minority, and declared competent to transact business as an adult. The committee are of opinion that, as a general rule, it is inexpedient to grant the prayer; and especially are they opposed to it when the minor has a guardian competent to take care of his interests, and with whom the minor would be more competent to make a fair and just settlement after a few years more experience, than he would be if disfranchised at the *green* age of eighteen.

P. W. GRAY.

Mr. Bigelow, chairman of the committee on Public Lands, reported back to the Senate a bill for the relief of Jacob Shannon, and recommended its passage, with the following amendment: Amend by inserting after "Shannon," wherever it occurs, the words "administrator of Daniel Warren, deceased."

Mr. Hill, chairman of the committee on public debt, made the following report:

SENATE CHAMBER, February 5, 1852.

The committee on the Public Debt, having examined a resolution for the relief of W. E. Howth, find that draft No. 142, dated July 3d, 1836, for three hundred and twelve dollars, was issued to Wm. E. Howth; that there was paid on said draft, in the fall of 1836, thirty-three dollars and ninety cents—leaving a balance due of two hundred and seventy-eight dollars and ten cents; which draft has been lost, as appears in evidence.

Your committee therefore report the same back to the Senate, and recommend that it be provided for in the bill now before the Senate, making provision for other lost claims of like character.

G. W. HILL, Chairman.

Mr. Hill also made the following report:

The committee on Public debt, believing that in making payments at the treasury, pursuant to the provisions of "an act providing for the liquidation and payment of the debt of the late Republic of Texas," difficulties may arise, and possibly serious inconvenience and unjust delay result to creditors from the same certificate of indebtedness embracing more than one distinct character of liability, have instructed me to report the accompanying bill, to be entitled "An act to authorize the Auditor and Comptroller to cancel and re-issue certificates of public debt which contain more than one character of liability," and recommend its passage, as the best means of obviating such difficulties.

A bill to authorize the Auditor and Comptroller to cancel and

re-issue certificates of public debt, which contain more than one character of liabilities ; read first time.

Mr. Hill also made the following report :

SENATE CHAMBER, Feb'y 5, 1852.

The committee on the Public Debt, to whom was referred the petition of Norman Hurd, asking pay as Purser in the Texas navy : the memorial of E. W. Moore, asking pay for self as Captain commanding Texas navy, and for pay for J. T. K. Lothrop as commander in Texas navy ; also, for pay to self and H. Washington for the steamship "Merchant," lost in service of the government of Texas : the petition of F. A. Kilman, asking pay for boots and shoes furnished the officers and men in the Texas navy : the petition of D. C. Freeman, attorney for the heirs of Dr. R. F. Brenham, asking pay for services as commissioner to Santa Fé : the petition of A. Adams, asking pay as others of the Santa Fé expedition ; also, the memorial of James Hamilton, asking for the settlement and payment of his accounts against the late Republic of Texas, have not entered into that minute investigation of the various claims presented for consideration by these applications to the legislature, that, under other circumstances, they would have felt it their duty to have done ; but from the examination made, your committee are fully satisfied that most, if not all, these claims possess merit ; but as time and labor have been freely and willingly bestowed by your committee, on numerous cases referred, in which a majority of your committee have been of opinion that the rights and interests of the parties demanded relief ; and have in accordance with what was considered a duty to the Senate, to the State, and the parties petitioning, reported bills in accordance with these convictions, upon which the Senate has declined favorable action ; your committee, therefore, considering the repeatedly expressed will of the Senate as instructions in these cases, have instructed me to return the petitions and accompanying documents, and ask to be discharged from their further consideration.

G. W. HILL, Chairman.

Mr. Daney introduced a bill concerning railroad improvements in the State of Texas ; read first time, and on motion of Mr. Daney, the rule was suspended, bill read second time and referred to the committee on Internal Improvements.

#### ORDERS OF THE DAY.

A bill to provide for the payment of that part of the public debt held by citizens of Texas ; read third time.

Mr. Dancy moved to postpone the bill until Saturday next; lost by the following vote:

YEAS—Messrs. Burks, Dancy, Davis, Eddy, Hart, Hill, Scott, Taylor, Truit and Williams—10.

NAYS—Messrs. Bigelow, Bogart, Doane, Duggan, Ford, Gray, Grimes, Kinney, Merriman, Parker, Reaves, Sterne and Wilson—13.

Mr. Dancy moved to postpone the bill until Monday next; lost.

Mr. Dancy moved to postpone the bill until to-morrow; lost by the following vote:

YEAS—Messrs. Burks, Dancy, Davis, Eddy, Hart, Hill, Scott, Taylor, Truit and Williams—10.

NAYS—Messrs. Bigelow, Bogart, Doane, Duggan, Ford, Gray, Grimes, Kinney, Merriman, Parker, Reaves, Sterne and Wilson—13.

Mr. Grimes moved the previous question; carried by the following vote:

YEAS—Messrs. Bigelow, Bogart, Doane, Ford, Gray, Grimes, Kinney, Merriman, Parker, Reaves, Sterne, Truit, Williams and Wilson—14.

NAYS—Messrs. Burks, Dancy, Davis, Duggan, Eddy, Hart, Hill and Taylor—8.

On motion of Mr. Dancy, a call of the Senate was made.

On motion, the call was suspended, and bill passed by the following vote:

YEAS—Messrs. Bigelow, Bogart, Doane, Duggan, Ford, Gray, Grimes, Kinney, Merriman, Meusebach, Parker, Reaves, Sterne, Truit, Williams and Wilson—16.

NAYS—Messrs. Burks, Dancy, Davis, Eddy, Hart, Hill, Scott and Taylor—8.

Messrs. Davis and Dancy gave notice that they would enter their protest against the passage of the bill.

A message was received from the House, informing the Senate that the House had passed the following bills, with amendments, viz:

A bill to create the counties of Cameron, Starr and Webb into separate land districts; and

A bill to define the time of holding the district courts of the fifth judicial district.

A message was received from the House, informing the Senate that the House had passed a bill requiring the Adjutant-General to issue to Noah Smithwick, his heirs or assigns, a bounty land warrant for 1280 acres of land; and a bill for the relief of Julian

Sanchez, which originated in the Senate ; also, a bill for the relief of John Bethea, with an amendment. Also, that the House concurred in the amendments of the Senate to the following bills, to wit :

A bill to incorporate Bastrop Educational Society ;

A bill to incorporate the Henderson and Burkville Railroad Company ;

A bill to remove from Austin county, and place in the General Land Office, certain land papers herein named ; and

A bill to authorize the county court of Limestone county to levy, and cause to be collected, toll on all persons, horses, cattle, hogs, sheep, carriages and wagons passing over the bridge recently built across the Navisoto river at Springfield : also,

That the House refused to concur in the amendments of the Senate to a bill granting relief to pre-emptionists, &c., and had appointed Messrs. Lott, Browder and Hartley a committee of conference on said bill, and requested the appointment of a like committee on part of the Senate : also,

That the House had passed the following bills, originating in that body, to wit :

A bill to make an appropriation to pay A. H. Stafford for capturing an escaped convict and conveying him to the penitentiary ; and

A joint resolution recommending General Sam Houston for the Presidency of the United States.

The following bills were severally read a third time and passed, to wit :

A bill to prescribe the manner in which the Governor shall issue his proclamations ;

A bill to prohibit the depositing of cotton seed outside of enclosures ;

A bill concerning slander ; and

A bill to amend the 34th and 64th sections of "an act to organize justices courts, and to define the powers and jurisdiction of the same," approved March 20, 1848.

A bill to pay E. W. Moore certain second class claims therein named ; read third time.

The yeas and nays being called on the passage of the bill, stood as follows :

YEAS—Messrs. Bigelow, Bogart, Doane, Duggan, Ford, Grimes, Hill, Kinney, Merriman, Parker, Sterne, Truit, Williams and Wilson—14.

NAYS—Messrs. Burks, Dancy, Davis, Eddy, Gray, Hart, Meusebach, Reaves, Scott and Taylor—10.

The question arose whether or not it required a vote of two-thirds to pass the bill. The bill was laid on the table until 4 o'clock p. m.

On motion of Mr. Davis, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

On motion of Mr. Merriman, the vote which engrossed a bill to pay E. W. Moore certain second class claims therein named, was re-considered and bill laid on the table.

On motion of Mr. Gray, a bill to create the office of chief clerk of the Comptroller's office was taken up and read first time.

On motion of Mr. Gray, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Scott, the rule was further suspended, bill read third time and passed.

On motion of Mr. Merriman, a bill for the relief of General Memucan Hunt was taken up and read first time.

On motion of Mr. Merriman, the rule was suspended and bill read second time.

Mr. Dancy moved to refer the bill to the committee on Finance; lost.

The bill was then passed to a third reading by the following vote :

YEAS—Messrs. Bigelow, Bogart, Davis, Doane, Ford, Grimes, Merriman, Meusebach, Parker, Scott, Sterne, Taylor, Truit, Williams and Wilson—15.

NAYS—Messrs. Dancy, Duggan, Eddy, Hart and Reaves—5.

On motion of Mr. Scott, the Senate receded from their amendment to a bill granting relief to pre-emptionists, &c.

On motion of Mr. Duggan, a bill to apportion the Senators and Representatives of the Legislature among the several counties of this State, according to the requirements of the constitution, was taken up, read third time, and passed by the following vote :

YEAS—Messrs. Bigelow, Bogart, Davis, Doane, Duggan, Ford, Grimes, Hart, Merriman, Reaves, Scott, Taylor and Wilson—13.

NAYS—Messrs. Dancy Eddy, Gray, Kinney, Meusebach, Parker, Sterne, Truit and Williams—9.

The Senate concurred in the amendment of the House, to a bill for the relief of John Bethea.

Joint resolution to provide for amending the 30th section of the general provisions of the constitution ; read.

Mr. Davis offered the following amendment :

Add, "upon the principle which is generally known and understood as the free banking system." Adopted.

Mr. Gray offered the following amendment :

Strike out "acts allowing private banking," and insert "a general banking law." Adopted.

The joint resolution was then ordered to be engrossed by the following vote :

**YEAS**--Messrs. Bigelow, Bogart, Dancy, Davis, Doane, Eddy, Gray, Grimes, Kinney, Merriman, Meusebach, Scott, Sterne, Taylor, Truit, Williams and Wilson--17.

**NAYS**--Messrs. Duggan, Ford, Hart, Hill, Parker and Reaves--6.

Joint resolution to authorize the Comptroller to settle the accounts of all attorneys, other than District Attorneys and Attorney-General, who have, by direction of law or engagement of the Government, performed services for the State or Republic of Texas ; read second time and referred to the committee on the Judiciary.

A bill to create the county of Delta ; read, and on motion of Mr. Davis, laid on the table until to-morrow.

On motion of Mr. Kinney, a bill to pay Frederick Dawson a part of his claim against the Republic of Texas was taken up and read.

Mr. Bogart offered as a substitute for the bill, a bill to pay Frederick Dawson, James Schott and E. D. Whitney a part of the amount of the bonds issued by the late Republic of Texas for the navy.

Mr. Duggan offered the following amendment to the substitute :  
Strike out "one hundred and sixty-eight thousand dollars," and insert "one hundred and forty-thousand dollars." Adopted.

Mr. Wilson offered the following amendment :

Add, at the end of second section, "provided, however, that the said Schott and Whitney be, and they are hereby precluded from any benefit that to them might otherwise accrue by the operation of an act approved January 31st, 1852, entitled an act providing for the liquidation and payment of the debt of the late Republic of Texas." Adopted.

Mr. Wilson offered the following amendment :

Strike out "\$140,000," wherever it occurs, and insert "\$100,000" in lieu thereof. Adopted.

The substitute was then adopted.

Mr. Scott offered the following as a substitute :

"A bill for the liquidation of the first class of the public debt of Texas."

On motion of Mr. Hill, the substitute offered by Mr. Scott was laid on the table.

Mr. Taylor offered the following as a substitute :

“ A bill to provide for the payment of Frederick Dawson.”

On motion of Mr. Bigelow, the Senate adjourned until 7 o'clock p. m. 7 O'CLOCK, P. M.

Senate met—roll called—quorum present.

The question before the Senate being on the adoption of the substitute offered by Mr. Taylor,

On motion of Mr. Kinney, a call of the Senate was made.

A message was received from the House, informing the Senate that the House had passed the following bills, to wit :

A bill for the relief of the heirs of Barnard O'Dorherty ;

A bill for the relief of James S. Ridgeway ;

A bill for the relief of John Brown (red) ;

A bill for the benefit of the heirs of James and William Murphy, deceased ; and

A bill for the relief of Jesse Walling, assignee, &c.

A bill to incorporate the Sabine Turnpike Company, in Panola county ; read second time and ordered to be engrossed.

On motion of Mr. Truit, the rule was suspended, bill read third time and passed by a constitutional majority.

A bill to create the county and territory of Bell into a separate land district ; read second time and ordered to be engrossed.

Joint resolution fixing the term of office of the Commissioner of the General Land Office ; read.

Mr. Williams offered the following amendment :

Change the caption so as to read “ an act ” instead of “ joint resolution ; and the word “ resolved, ” so as to read “ enacted. ”

The bill then passed to a third reading.

A bill supplementary to an act to establish a State penitentiary ; read .

On motion of Mr. Grimes, the blank was filled with “ six hundred dollars. ” The bill was then ordered to be engrossed.

The report of the committee on Claims and Accounts on the petition of Mrs. Jane Lockhart was read and adopted.

A bill to incorporate the Chapel Hill Male and Female Institute ; read and passed to a third reading.

On motion of Mr. Merriman, the rule was suspended, bill read third time, and passed by a constitutional majority.

A bill to provide for the construction of railroads in Texas, together with the report of the committee on Internal Improvements recommending its rejection, was read and report adopted.

A bill for the relief of all persons that were made prisoners by

the government authorities of the United States, under Col. Jacob Snively, together with the report of the committee on State Affairs recommending its rejection, was read and report adopted.

Joint resolution for the payment of George T. Wood two thousand one hundred dollars ; read.

Mr. Davis moved to postpone it until Monday next ; lost.

The joint resolution was then rejected by the following vote :

YEAS—Messrs. Davis, Kinney and Meusebach—3.

NAYS—Messrs. Bigelow, Bogart, Dancy, Duggan, Eddy, Gray, Grimes, Hart, Hill, Merriman, Parker, Reaves, Scott, Taylor, Truit, Williams and Wilson—17.

Joint Resolution in relation to the meritorious services of Adolphus Sterne, together with the report of the committee on State Affairs offering a substitute therefor, was read, and substitute adopted.

Mr. Wilson offered the following amendment :

Strike out the caption and insert in lieu thereof, "An act granting Adolphus Sterne one-third of a league of land, as a testimonial of the gratitude of the people of Texas for his patriotic and important services during the Revolution ;" and add to section : "and that in the patent which shall be issued upon said certificate, the cause of the grant, as set forth in the caption, shall be inserted." Adopted.

Mr. Grimes offered the following amendment :

"That Robert Wilson be entitled to the benefits of the above act." Adopted, and bill ordered to be engrossed.

A bill for the relief of Alexander Ewing, together with the report of the committee on Finance offering an amendment thereto, was read, amendment adopted, and bill passed to a third reading.

A bill supplementary to an act granting certain powers to the corporation of Galveston city, approved December 5th, 1851 ; read.

Mr. Merriman offered the following amendment :

"Provided that nothing in this act shall be construed to confirm to the said Menard, or his assigns, any land or privileges included within the calls of said patent, which were not authorized to be included therein by the act under which said patent was issued, and other laws in force at the time."

Mr. Gray offered the following as a substitute for the amendment :

Strike out the words—"but the same is hereby ratified and confirmed," and insert "nor shall it be so construed as to authorize the corporation of the city of Galveston to interfere with any

wharf improvement erected in good faith by individuals prior to the passage of said act."

On motion of Mr. Bigelow, the Senate adjourned until to-morrow morning 10 o'clock.

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FRIDAY, February 6, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Taylor, chairman of the committee on Private Land Claims, reported back to the Senate a bill for the relief of the heirs at law of William Wilkinson, deceased, and recommended its passage.

#### ORDERS OF THE DAY.

On motion of Mr. Reaves, the resolution of the House relative to adjournment on the 16th instant, was taken up.

On motion of Mr. Kinney, a call of the Senate was made.

Mr. Gray made the following report

The committee on the Judiciary have considered the memorial of H. Castro, Esq., asking an extension of the time allowed to the colonists introduced by him, to prove up their claims. It appears that there are many of the colonists, particularly the heirs and widows of those deceased, who have not been able to avail themselves of the law of 1850, passed for their benefit.—Without determining on the policy of the extension prayed for, the committee report the enclosed bill for the consideration of the Senate, and ask to be discharged from the further consideration of the memorial.

A bill to extend the provisions of the act to perfect the land titles in Castro's colony, approved January 22, 1850; read first time.

On motion of Mr. Meusebach, the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr. Meusebach, the rule was suspended, bill read third time and passed.

Mr. Grimes, chairman of the committee on Finance, to which was referred joint resolution for the relief of Robert M. Elgin.